

State Advisory Council for Exceptional Children (SACEC)
Meeting Minutes of October 10-11, 2017 at Cumberland Lake, KY
Minutes taken by Amy S. Folker, Secretary

General business Session I: Meeting was called to order at 8:30 am by Barry Lee, Chair.

Council Members Present: Julie Rubemeyer, William Greer, Anna Light, Eric Umstead, Libby Suttles, Amber Barnes, Amy Folker, Leisa Hutchison, Tricia Gibbons, Danny Hughes, Stephanie Knipper, Kimberly Chevalier, Adria Johnson, Barry Lee, Elizabeth Jenkins, Sylvia Kuster

KDE Representatives: Gretta Hylton, Joe McCowan, Jarrod Slone, Debbie Mays, Amy Patterson, Chris Thacker, Todd Allen, Darlene Jesse

Interpreters: N/A

Welcome and Introductions:

Barry Lee made welcome and introductory remarks related to the new council formed by Governor Bevin.

Review and Approve Agenda: Motion made to approve by Tricia Gibbons, seconded by Eric Umstead. Motion passed.

SACEC Purpose and Duties by Todd Allen, Deputy General Counsel for KDE

State Advisory Panel is in accordance with 34 CFR 300.167 of IDEA. The state must establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state.

The panel's duties are set forth in 34 CFR 300.169. Those duties are:

- Advise State Education Agency (SEA) of unmet needs within the state in the education of children with disabilities
- Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities
- Advise the SEA in developing evaluations and reporting on data to the Secretary under section 618 of the act
- Advise the SEA in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act and
- Advise the SEA in developing and implementing policies relating to the coordination of services for children with disabilities.

Review of Due Process Decisions: KDE will provide SACEC members with redacted copies of all IDEA Due Process Hearing decisions as well as decisions of the Exceptional Children Appeals Board.

Executive Order 2017-634 was entered on 6/16/17 and established additional duties which include:

- Advise the Department of Education, Education Professional Standards Board, and School Curriculum, Assessment and Accountability Council of unmet needs and desired program changes

within the Commonwealth related to the education of children with disabilities, including the suggestion of corrective action plans and personnel development needs.

- Review and comment publicly on rules or regulations proposed by the Commonwealth relating to the education of children with disabilities and the procedures for distribution of funds under Part B of Public Law 101-476.
- Review and comment on written findings of fact and decisions from due process hearings, including other reports issued by federal and state authorities relating to exceptional children.
- Advise the Kentucky Department of Education, the Justice Cabinet and other public agencies on eligible students with disabilities in state and local prisons.
- Provide opportunities for public input through regularly scheduled public hearings or during general meetings.

The Kentucky Open Meeting Act highlights: A quorum is required to take action (KRS 61.810). A schedule of meetings must be made available to the public (KRS 61.820). Minutes of any action taken must be recorded and open to the public (KRS 61.835).

If a video conference is chosen, it must be made open to the public such as having it at several state parks at one time.

Public forums cannot go into closed session.

Barry Lee asked questions regarding the process of the open forum. Gretta Hylton added that KDE cannot comment on the outcomes of their review due to confidentiality but can discuss in general terms.

SAPEC History and Structure of KDE and DLS by Gretta Hylton, Division Director for Division of Learning Services of KDE

Gretta Hylton gave brief breakdown of the Division for Learning Services at KDE and this includes the Diverse Learners Branch, the Differentiated Learning Branch and Division level staff. There are about 300 staff members total including field staff. They also handle Title 3 and English learners. A structure map is located on the KDE website.

Barry Lee asked what role DLS plays in the charter school setting. Gretta replied that it is the same role as in the public schools as IDEA applies to charter schools as well. They are working with IDEA finance reporting to discuss how to deal with new charters.

There was discussion from Joe McCowan regarding SACEC and the previous SAPEC concerning the agenda formation and the days of the week that work best for the council for meetings. He also stated that SACEC could create their own bylaws and committees, which are optional. Anything that was adopted by SAPEC will have to be re-adopted by SACEC. Todd Allen, General Counsel for KDE, stated that committee meetings would be subject to open meeting requirements. Todd also stated that the frequency of meetings is decided by the council. Joe added that previously, SAPEC met quarterly and that November and February meetings were standard.

Debbie Mays, Manager of Diverse Learners, DLS, KDE

Debbie manages 13 staff members in the Diverse Learners Branch. A prime responsibility of the branch is to report on the State Performance Plan/Annual Performance Report (SPP/APR) which measures performance on 17 indicators. The branch performs monitoring required by IDEA and provides guidance

on special education topics to state educators. They work with the special education cooperatives which have 9 geographical regions.

Break: Barry allowed for a break for 15 minutes at 9:30 am. Reconvened at 9:45 am.

Significant Disproportionality and CEIS Review by Chris Thacker, Technical Assistance Specialist with the Human Development Institute (HDI) at the University of Kentucky and Jerrod Slone, Intervention Consultant, KDE

Jarrod gave the following website for the presentation <http://tinyurl.com/saceccceis>. A PowerPoint was also provided. He stated that these things have to be put into place before the next school year. He stated that CEIS is voluntary in accordance with §34 CFR 300.226. He states that ZERO districts have done this.

Tricia Gibbons asked how children are identified. Jerrod stated that they are identified through screening at K-3 – reading, writing, behavior and math have to be assessed. Interventions have to be reported to the state and how each child is doing in the Tier 3 and Tier 3 services has to be reported as well. Chris Thacker added that CEIS is an alternative to prevent the need for special education and is a front end piece, not back end. Barry added that this is to keep students out of the need for special ed referral.

Jarrod stated that CCEIS is Comprehensive Coordinated Early Intervening Services and it is mandatory if there is significant disproportionality found. December 1 child counts are used. The funds come from the IDEA monies at 15%. If a district is found to be significantly disproportionate they must complete a root cause analysis. Results must be made public IF the policies and procedures change as a result. KDE must also be notified.

Adria Johnson asked who does the screening. Jarrod stated that each district can choose the screener but they screeners have to use the same guide. Tricia Gibbons stated that they are using the same screener most of the time. Jarrod stated that KDE recommends they use the same screeners, but they cannot force them to.

Adria asked if the screeners are trauma informed. Jarrod stated that now behavior issues are becoming more evaluated, more so than in the past.

Jarrod stated that CCEIS funds can be used to provide professional development and education, behavior evaluations, services and supports. The activities must address, at a minimum, factors and the policy contributing to significant disproportionality as identified for their district. Services must occur above and beyond all other interventions required by the state legislation. Students must continue to receive required tiers of intervention in addition to any CCEIS services offered.

Timeline for feedback

June-October 2017

States must meet with stakeholders to develop:

- Reasonable risk ratio thresholds
- Reasonable cell sizes
- Reasonable n-sizes

- Reasonable progress
- Number of years of data to be used for designation
- Justification for each of the items above

August-December 2017

- State to review and revise policies and procedures necessary to comply with the new regulations.

January-March 2018

- Public hearings and opportunity for comment on new policy and procedures.

The Kentucky ratio right now is 3. The council needs to decide if that is appropriate. They also need to decide on what is “reasonable” progress. There is no suggestion provided by law and no good studies. Most states are at 3 years.

Leisa Hutchison asked if this has been tracked before. Chris stated yes, but not “officially”.

Chris stated a decision must be made by March 2018.

Few districts are over-identifying from what they are seeing. Jarrod added it is at 11 right now.

§34 CFR 300.646 DISPROPORTIONALITY

Each state must provide for the collection of data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the LEAs of the state with respect to: The identification of children with disabilities, the placement in particular educational settings of these children and the incidence, duration and type of disciplinary removals from placement including suspensions and expulsions. The state must apply the methods in §300.647 to determine if significant disproportionality based on race and ethnicity is occurring in the state and the LEAs of the state under paragraph (a) of this section.

§34 CFR 300.647 DETERMINING SIGNIFICANT DISPROPORTIONALITY

These factors include Minimum Cell Size, Minimum n-Size, Risk, Risk Ratio, Comparison Group, Alternate Risk Ratio, Risk Ratio Threshold.

In determining whether significant disproportionality exists the state or LEA must set a reasonable risk ratio threshold, a reasonable minimum cell size, a reasonable minimum n-size and a standard for measuring reasonable progress if a state uses flexibility described in the IDEA.

The state must apply the risks and ratios in accordance with the following racial and ethnic groups: Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino only, American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White and Two or more races.

The state must calculate a risk ratio for each LEA, for each racial and ethnic group with respect to the identification of children ages 3-21 with disabilities and the identification for children ages 3-21 with the following impairments: Intellectual disabilities, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments and autism.

Except as provided in paragraphs (b)(5) and (c) of this section, the State must calculate the *risk ratio* for each LEA, for each racial and ethnic group in paragraph (b)(2) with respect to the following placements into particular educational settings, including disciplinary removals:

For children with disabilities ages 6 through 21, inside a regular class less than 40 percent of the day;

For children with disabilities ages 6 through 21, inside separate schools and residential facilities, not including homebound or hospital settings, correctional facilities, or private schools;

For children with disabilities ages 3 through 21, out-of-school suspensions and expulsions of 10 days or fewer;

For children with disabilities ages 3 through 21, out-of-school suspensions and expulsions of more than 10 days;

For children with disabilities ages 3 through 21, in-school suspensions of 10 days or fewer;

For children with disabilities ages 3 through 21, in-school suspensions of more than 10 days; and

For children with disabilities ages 3 through 21, disciplinary removals in total, including in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative education setting, and removals by a hearing officer;

The State must calculate an *alternate risk ratio* with respect to the categories described in paragraphs (b)(3) and (4) of this section if the comparison group in the LEA does not meet the *minimum cell size* or the *minimum n-size*;

Except as provided in paragraph (d) of this section, the State must identify as having significant disproportionality based on race or ethnicity under §§300.646(a) and (b) any LEA that has a *risk ratio* or *alternate risk ratio* for any racial or ethnic group in any of the categories described in paragraphs (b)(3) and (4) of this section that exceeds the *risk ratio threshold* set by the State for that category.

Flexibility. A State is not required to identify an LEA as having significant disproportionality based on race or ethnicity under §§300.646(a) and (b) until--

The LEA has exceeded a *risk ratio threshold* set by the State for a racial or ethnic group in a category described in paragraphs (b)(3) or (4) of this section for up to three prior consecutive years preceding the identification; and

The LEA has exceeded the *risk ratio threshold* and has failed to demonstrate *reasonable progress*, as determined by the State, in lowering the *risk ratio* or *alternate risk ratio* for the group and category in each of the two prior consecutive years.

What is Coordinated Early Intervening Services (CEIS)-Voluntary?

§34 CFR 300.226 K-12: Up to 15% of IDEA Part B funds (611 and 619)

Only children not currently identified as needing special services may be served.

Required reporting

The U.S. Department of Education requires all local education agencies (LEAs) that are identified as having significant disproportionality in accordance with 34 CFR §300.646 to implement Comprehensive CEIS (CCEIS)

LEAs with Significant Disproportionality must reserve EXACTLY 15% of their combined allocations from Sections 611 and 619 under Part B of the Individuals with Disabilities Education Act (IDEA) to implement CCEIS.

Root Cause Analysis

Each district found to be significantly disproportionate must complete a root cause analysis

Results must be made public if a significant issue is found via the analysis

1. Data Based Decision Making
2. Climate and Culture (mistype on PowerPoint)
3. Core Instructional Program
4. Assessment-Universal Screening and Progress Monitoring
5. Interventions and Support

LEAs can use CCEIS funds for students without disabilities Kindergarten through grade 12*who need additional academic and behavioral support to succeed in a general education environment.

**Beginning July 1, 2018, CCEIS may be provided to children with and without disabilities age 3 through grade 12.*

CCEIS funds can be used to provide:

Professional development and education, behavioral evaluations, services, and supports.

The activities must address, at minimum, factors and the policy, practice, or procedure contributing to significant disproportionality as identified for their district.

CCEIS services must occur above and beyond all other required interventions required by state legislation.

In other words, students must continue to receive required tiers of intervention *in addition* to any CCEIS services offered.

Tricia Gibbons asked what is the percentage of special needs services statewide? Chris stated that it depends on how the numbers are manipulated but probably 14-16% - fairly high. About 103,000 children ages 3-21 out of the 700,000 children in k-12 programs.

Kimberly Chevalier added that funding is a significant problem. Kentucky has a large transient population and a lot of children have severe needs that require nursing skills. If that student moves to a different district, there is a significant amount they have to spend EVEN when the child no longer lives there if the 3 year time frame is used.

Tricia asked how long does it take for the infinite campus recording to catch up with this issue of transient students. Chris stated that it is very quick and it is at enrollment. It goes by what district the child is in according to their student number.

Chris stated that there is also an issue of how the information is entered. The information may not be entered the same for each district depending on who is doing it. Joe stated that they are continuing to work on this with the districts.

Lunch: Barry Lee, Chair, released the group for lunch at 11:35am. We will reconvene at 1:00.

The meeting was called to order at 1:03 pm by Barry Lee, Chair.

Significant Disproportionality and CEIS Formulas and Impact by Chris Thacker, Technical Assistance Specialist at the Human Development Institute at University of Kentucky

Chris Thacker handed out support material from the Center for Technical Assistance for Excellence in Special Education (TAESE). He stated that we should not copy this information and it is not state specific. He stated there are 17 indicators, not 20.

Once identified, the state must ensure the district reserves the 15%. There is a GMAP app specific to IDEA and this is entered into the program. They have to provide for an annual review of policies and require districts to publicly support.

Sylvia Kuster asked if this was only through grade 12. Chris stated that if an alternate diploma is elected, it will be inclusive of grade 14.

Chris provided a projected spreadsheet for viewing showing the disproportionality per county in Kentucky. He described how the data is reviewed.

Barry asked that if there is an explanation of why there is disproportionality such as the case where a state is predominately white and there is a high number of learning disabled children near a hospital providing autism services. Chris stated that no, there is no “out” of the 15% requirement.

Barry and Jarrod discussed that since KDE has been monitoring more interventions these instances should be declining. Jarrod added that yes, interventions are working.

Gretta added that if core instruction is provided with interventions, students will improve but there is not a magic bullet. It is about the framework for that individual child. She stated that it will be hard for some of the districts to come up with this 15% as there is not enough money the way it stands to do the required work.

Chris stated that TAESE (Technical Assistance for Excellence in Special Education) may be able to come up with some scenarios that would help the council make the decisions. He will try to have these for our November meeting.

Chris stated he would probably not recommend increasing the risk ratio as there is likely no sound reason as to why.

Tricia asked how long the council’s decision would be good for. Chris stated the council may evaluate each year. Tricia is concerned about unintended consequences of the council’s decision.

Greta added that sometimes there is a lack of clear communication across districts. The need may be for funds for discipline but then the 15% is pulled and then different divisions make decisions about how that money is spent. Disciplinary issues may be why the 15% was pulled but in the end that might not be how the money ends up being spent.

Eric Umstead asked where Kentucky is nationally. Chris stated California has the largest number of districts so they have the biggest numbers. Some states have never identified. Chris stated Kentucky is probably low, but he does not have those numbers.

Julie Rubemeyer asked if a school is identified, how does that impact students with IEPs? Chris replied that only the ARC can change the IEPs, but there could be indirect impacts if the ARC members know there are not enough funds etc...

Break- Barry suggested we work through break and it was agreed.

SACEC Processes and 2018 Meeting Schedule and Open Discussion

Barry discussed with the council past meetings. How many people usually come to the meetings? How many meetings should we have? Is it beneficial to have 2 day meetings?

Amy Folker mentioned that there is usually a smaller turnout for the 2nd day of the meetings. She and Joe discussed that if there is work to be done such as in committees, it is difficult when people are not here that second day because half (or sometimes more) of their team is not present.

Gretta stated that she recommends starting with the bylaws, either adopting or changing them. It was also discussed that in regard to meetings, Darlene Jesse (KDE) needs enough lead time to make lodging arrangements etc...

Gretta also stated that in the past, the public reaches out to the council members and provide information they wish to be read at the public forum. In the past we have run into situations regarding confidentiality. The council needs to be aware that a letter from a parent should not be read UNLESS the parent is well aware that the information will be made public.

Barry stated that we will keep the November date for the meeting as it is, due to the CEC conference.

Leisa Hutchison added that Thursday/Friday meetings are much better than Monday/Tuesday meetings due to her schedule.

There was discussion about the February meeting in Frankfort and that it is scheduled there due to the legislative session. Elizabeth Jenkins added that the session runs from January through April. Amy Folker stated that the previous panel met mid-January to mid-February. A motion was made by Bill Greer for February 8-9. The motion was seconded by Libby Suttles. There were no opposed.

Joe and/or Darlene will get back to the council on how to register for the CEC conference.

Barry and Joe will discuss the meeting length for November. There may not be a need for a 2 day meeting.

Joe added that the council should not hesitate in bringing up issues or recommending speakers.

Amy Folker mentioned that a new secretary will need to be voted upon. Barry stated that will be discussed in February.

Barry Lee, Chair, adjourned at 3:00 pm to reconvene for the public forum at 6:00 pm.

Public Forum – Tuesday, October 10, 2017

The public forum was held at Cumberland Lake State Resort Park Lodge and was called to order at 6:00 pm by Barry Lee, Chair.

Council Members Present- Julie Rubemeyer, Danny Hughes, Barry Lee, Eric Umstead, Amy Folker, Stephanie Knipper, William Greer, Libby Suttles, Leisa Hutchison, Kimberly Chevalier, Anna Light, Tricia Gibbons, Adria Johnson, Sylvia Kuster.

KDE Representatives: Joseph McCowan, Gretta Hylton, Darlene Jesse, Debbie Mays, Amy Patterson, Jerrod Slone, Chris Thacker.

Interpreters: Natalie Malone and Mary Fehrenbach

Public Hearing introduction was read by Chair, Barry Lee.

There were no participants for the public forum and it was closed at 6:02 pm.

General Business Session II - Wednesday, October 11, 2017

Meeting was called to order at 8:30 am by Barry Lee, Chair.

Council Members Present: Julie Rubemeyer, William Greer, Anna Light, Eric Umstead, Libby Suttles, Amber Barnes, Amy Folker, Leisa Hutchison, Tricia Gibbons, Danny Hughes, Stephanie Knipper, Kimberly Chevalier, Adria Johnson, Barry Lee, Elizabeth Jenkins,

KDE Representatives: Gretta Hylton, Joe McCowan, Jarrod Slone, Debbie Mays, Amy Patterson, Chris Thacker, Darlene Jesse

Interpreters: N/A

Significant Disproportionality and Coordinated Early Intervening Services (CEIS) Feedback by KDE Team

Chris discussed what needed to be considered for November's meeting. There was again discussion and recap of yesterday's presentation regarding the threshold, n-size, etc... Kimberly Chevalier stated that the 3 year threshold may be too long.

Adria asked about the timeline. Chris stated that the July 1, 2018 date must be met and is has to go through the public hearing process. The child count data will not be available until February 2018. The Feds need to be notified in March or April, 2018 and that public hearing must be held prior.

Eric asked if there is trend data and Chris stated that there is none right now.

Stephanie Knipper asked if in districts that are identified, is there data to see whether there are commonalities in areas, such as over-identified in speech or behavior. Chris stated he will try to have this information for the council in November.

Barry stated that teachers etc...continue to see an increase in behavior disorders.

Bill Greer asked about reasonable progress. Chris stated that this can be set for EACH of the 14 categories that are on the USB drive given out.

Stephanie added that there are not good options. Is there legislation somewhere else that districts could draw funding from for the 15%?

Kimberly Chevalier stated that yes, there is professional development money, but this is already low. Taking away from special ed funds is not desirable. She stated that is it helpful for teachers to go out to look at how things are done in other schools.

Barry expressed his concern for creating an imaginary ceiling with these numbers.

Kimberly also brought up that certain ethnicities have a tendency of living in the same household. If several families are living together - that is not as many households – should the districts be penalized for that.

Tricia asked if the (15%) restriction has helped in the past. Chris stated that it seems the districts will fix what they need to for the current problem, but then the problem moves to another sector. They will likely keep having to do the 15% restriction.

Barry asked what has been the main issue in the past. Chris stated that it appears that mental disability and EBD (emotional and behavioral disturbance) for black children are the largest disproportionality.

Adria added that in juvenile justice they see the same story and stated black students often show up within significant disproportionality rates. Chris stated that lowering the threshold for black discipline is an option.

Gretta added that KDE helps the districts with the root cause and addressing it.

Joe stated that the role of the council is to evaluate and see how things place out in the next 3 years and then re-evaluate and make decisions.

Kimberly stated that discipline and behavior are significant problems. It is not that the teachers do not know how to deal with these cases, it is that there are just no options. There is not enough mental health help in the schools. There is no help for the parents of these kids either. Professional Development is not where she would want the funds. Kenton County does not have enough psychologists in the district. We know these kids have problems but there is not enough help for them once identified.

Barry and Jarrod discussed RTI (Response to Intervention) and that as a state, Kentucky is turning to have 3 prongs of academia: academic, behavior and mental health. The RTI is helping kids stay out of special education and RTI is improving now that it is being monitored.

Barry suggested that for November's meeting, we consider the cell of 10 and n-size of 20, black discipline, and the max and minimums the feds require and back it up. We should look at discipline and all areas of black students for the past 3 years.

Elizabeth requested that we see numbers for 2.0 and 4.0.

Barry asked that if the district voluntarily does the CEIS, can the money be put back if identified. Chris stated no.

Adria added that there is no motivation then for districts to do it voluntarily.

Barry added we may want to look at a voluntary threshold LESS THAN 15%.

Mardi Montgomery, Director of Policy and Legislation for the Education and Workforce Development Cabinet.

Thanked the council for their service.

Kentucky has the: highest number of foster kids in US, highest number of homeless kids, highest number of opiate addictions, highest number of adults with Hepatitis C, highest amount of people dying from lung cancer, highest number of children with incarcerated parents. When Governor Bevin looks at our population, he sees this as our future. Challenges are not going to go away but how we deal with them is extremely important.

She recommends Secretary Heiner come to our November meeting.

The Education and Workforce Development Cabinet is concerned with the placement of those with disabilities in the Kentucky workforce. Amazon, Veaquest are two large corporations hiring these people. TILR has created an app that matches skills sets with employers at a 95% success rate. www.tilr.com

Representative Addia Wuchner is working on revising the dyslexia bill. We may have her come listen to the council.

The number one need in this state is mental health services at the post-secondary level. We as a state need to think about how do we collaboratively work to improve mental health services at early childhood on up.

She discussed grants including PROJECT AWARE.

Representative Regina Bunch is sponsoring a suicide prevention bill in legislation this term. It is focused on young adults and the high suicide rate. She asked if suicide among teens and middle school in Kentucky schools was reported to KDE? Gretta answered no.

Kimberly Chevalier stated that death is considered a dropout in high school. Barry also added that suicide can be from an overdose or other and sometimes it is hard to define what happened. Kimberly stated that most of those students are not labeled as disabled.

Mardi is interested in inviting the Labor Cabinet to come and talk about apprenticeships and the desire to get learning disabled kids in these apprenticeships. In Russell Springs there is a company called "Dr. Schneider" that produces parts for expensive cars. This is an excellent collaboration with the school system in hiring the learning disabled.

She also discussed dual credits and that Kentucky has a 96% pass rate and 30,000 dual credit hours. How many dual credits are given to students with IEPs and 504s? To how many foster kids? She is concerned with the low number of dual credit classes in public school career and tech ed classes. This needs to be worked on.

Kimberly asked if companies are focusing on hiring those who have been incarcerated. Mardi answered yes. Kimberly added that if the parents cannot get jobs, that's where abuse begins at home. She stated that Senator Whitney Westerfield is focused on this, including setting up prisoners to get skills in detention centers so they can get a job upon release.

Mardi stated that 7 out of 10 jobs require a skilled workforce. In Kentucky there are 6-7 generations in eastern Kentucky that have never worked. There is a huge need across all areas.

Break-Barry Lee released the group for a break at 10:05 am and we reconvened at 10:19 am.

KDE Update by Gretta Hylton, Division Director for Division of Learning Services of KDE

Kentucky School for the Blind: 5 grads this spring. 7 students co-authored a book entitled "We Can Hear You Just Fine". Students have the opportunity to work at Louisville Zoo and Kentucky Kingdom in the summer.

2 KSB students were inducted into the National Honor Society. All students have received mobile devices based on their visual needs.

Kentucky School for the Deaf: 13 Seniors-7 plan to attend college or tech school. 5 have post-secondary employment and one is undecided. 1 student passed the KOSSA. The STLP team finished in the top 10. Several had top place finishes at Ag Field Day at UK. KSD culinary team won several awards and presented at the state fair. KSD shares their CTE program with the local high school and they offer Informatics, Culinary Arts, Manufacturing Engineering, Horticulture and Small Animal Science.

Department of Juvenile Justice updates: DLS is conducting on site monitoring visits at all DJJ facilities in selected districts for the Consolidated State Monitoring process. Additional facilities will also be monitored. Emphasis is on shared IDEA responsibilities between districts and DJJ facilities. Developing a MOU (Memorandum of Understanding) between KDE and DJJ is a priority to ensure everyone is on the same page.

Due dates for Special Ed Data Required under Section 618 of IDEA

- Child count due 12/15
- Personnel Data due 12/15
- Discipline Data due 6/30
- Exiting Data due 7/17

ESSA changed 1% cap to be based on the participation rate rather than the proficiency rate. ESSA placed the 1% cap on the state for each content area based on the total number of all students in the state assessed in the content area. States cannot place a cap on participation rates of districts; however, KDE will require districts to provide justification if the 1% cap is exceeded. States must make LEA data publicly available as long as no PII is shown). If the state's data indicate it will exceed the 1% cap, it must request a waiver from the requirement for each subject area. The request should be completed 90 days before the start of the testing window. KDE's participation rate for 2015/16 was ~1%. KDE/DLS submitted a waiver on 8/7/17 and are awaiting a response from OSEP.

Gretta explained the alternate assessment for those 1% of students with the highest cognitive disabilities. This is in the federal law - Every Student Succeeds Act (ESSA).

Kentucky's number was 1.1% and Kentucky has filed a waiver using the concerns of the opiate epidemic and high number of military families as contributing factors. KDE is awaiting a response from OSEP. Kentucky is the first state in the nation to file a waiver. There is also the issue of the testing window with OSEP, but KDE was not successful in changing OSEP's stance on the window. The waiver is on the KDE website if anyone wants to see it.

The State Defined Alternative Diploma which has been used offered in the past and is optional is standards based, aligned with the state requirements for the regular high school diploma and is obtained within the same time period for which the state must ensure the availability of FAPE under Section 612(a)(1) of IDEA. The question asked by KY and other states is, if states choose to develop a state-defined alternate diploma, does earning the alternative diploma terminate the requirements of providing a FAPE?

Kentucky's State Defined Alternative Diploma does not meet the 3 guardrails of the OSEP alternative diploma. The concern of KDE is the age at which FAPE would end for these students. Some students at 18 plan to come back to school after they get their alternate diploma for further education; but with the new guidelines, they would not be able to. FAPE would end at grade 12 with the diploma being awarded. If FAPE terminates, so does funding. The 1% would not get their diploma if they need services past age 18 and that would be a huge negative.

Gretta hopes that OSEP will respond saying achievement standards are different for the most significantly cognitively disabled and FAPE can be provided until 21 as in the past and they will get the diploma they deserve.

Eric asked if the child receives an alternate diploma, does that have an impact on post-secondary education and tech centers. Gretta answered nothing should stand in the way of that. The child will still have the ADA.

Leisa Hutchison discussed the standards based vs. life based training. It is great to have functional skills taught but if the price of this is having FAPE cut off at 18, that is not good. Be careful of what you ask for and know all the angles.

Kimberly Chevalier asked if the council/KDE could plea for going back to the regular diploma, the state alternate diploma and having a CERTIFICATE until age 21? Gretta said possibly. Maybe keep the old certificate of completion, the state defined alternate diploma and the federal alternate diploma. That is 3 diplomas though and it could be confusing.

Mardi expressed her discontent for not teaching life skills but having to teach standard based skills. She stated that Secretary DeVos may need to be contacted about this.

Joe added that it may be worthwhile to discuss options that are available for transition. The alternate diploma answer we are awaiting may create changing conversations about transition.

State Personnel Development Grant (SPDG): The DLS receive a no-cost extension for the previous SPDG. The focus of the extension is extensive professional learning around the alternate assessment. The SPDE 2017 was funded at \$5 million over a 5 year period. Goal 1 is to improve the capacity to implement and

sustain multi-tiered systems of support (MTSS). Goal 2 is to improve student achievement multiple, sustained professional learning strategies that supports a MTSS.

OSEP Results Driven Accountability: Implementation science-New way of work, not a new initiative. Focus of the SSIP is to support the elementary and middle school teachers in general ed setting. Improve student outcomes in 8th grade math and sustain what is working.

Mardi asked if the focus was still on 8th grade math? What does the new accountability system look like and will this continually improve? Does the focus need to change? Gretta answered that this year we will have data to tell us. We are looking at expanding what had been done and what needs to be done. How do we incorporate into literacy etc...not just working on 8th grade math? Kimberly added that math is the number one problem in K-12 and that teachers are not prepared to teach it.

Gretta discussed the Multi-Phase Plan that consists of a 6 year plan with 3 phases including: Analysis, Plan and Evaluation.

State Performance Plan / Annual Performance Report (SPP/APR) is the evaluation of the state's implementation of PART B of IDEA and how it will improve. It is used by OSEP to measure and monitor the state to make its annual determinations and KY received a "MEETS" determination, which is the highest.

Gretta discussed due process, mediation and formal complaints and that Kentucky's numbers are low. There is no data to tell us why but part of it could be that when the KDE receives parent calls they try to investigate without referring for due process immediately. They try to solve the problem before it escalates.

Cooperative Update by Stephanie Little, Director of Kentucky Educational Development Cooperation (KEDC)

Stephanie is with the main office in Ashland and there is a satellite office in Lexington. She showed a map of the service regions within Kentucky which is on her PowerPoint presentation.

In a collaboration with KDE and ECU, the COOP has developed IEP video modules to help teachers with IEPs. They are around 15 minutes each and should be finished by the end of November. Feedback from teachers would be helpful including: are the videos usable and helpful? What other lessons do teachers need?

In part of the pre-employment transition agreement with OVR (Office of Vocational Rehabilitation), the COOPs are working in various ways to improve transition including fairs and counseling.

The COOPs continue to work on mental health and the AWARE GRANT has helped with that. This is an \$8.1 million grant. Teachers are not trained to be mental health providers but this grant helps training teachers to recognize concerns. Trauma informed care was also discussed. Stephanie stated that there have been 3000 people across KY trained in trauma recognition.

Kimberly stated that this is a great step, but until we can get more funding and more providers there is no way to respond to the need. Gretta stated this is probably not going to get better anytime soon. This is a serious need and schools and parents cannot fix it. Tricia added how can we talk about a workforce ready student when some of these students can't even function due to mental health issues.

Barry added that special education is doing better with communication sharing and comparing notes. There has been more collaboration. If we are seeing the same problems, we should help create a funding path for mental health.

Stephanie discussed the Mental Health Workshop for the COOPs in August.

Elizabeth added that with SB 200 the reinvestment funds are getting up and running. (SB 200 substantially overhauled the KY Juvenile Justice System and amended or created new obligations for various affiliated organizations.) Adria and Kimberly added that there are significant issues with the FAIR teams that need improvement.

Stephanie stated that a new website was developed to equip Kentucky districts with a how-to guide to develop a system of RTI. This website is www.kentuckybehaviorrti.com. This website gives ideas of how to handle behavior issues and other information.

Stephanie discussed special education guidance for the Kentucky framework for teaching, resources and CEC Standards.

SACEC Open Discussion and Wrap-up

The date of our next meeting is November 19-21, 2017 at the Galt House. We will further discuss the Significant Disproportionality CEIS issue. We discussed the public forums and how to get more attendees. Ideas were to have the forums at schools or cooperatives and to have a speaker to draw more of a crowd. The 2018 meeting calendar was discussed and this will be looked at in the upcoming meeting.

Tricia Gibbons moved to adjourn. Bill Greer seconded. The motion passed and the meeting was adjourned at 11:44 am.